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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In Re:

CECIL MCLEMORE

Case No. 2010-23252
Hearing Date: May 10, 2010
Hearing Time: 9:00 AM
Courtroom: 28
The Honorable Michael S. McManus
Docket Control No.: RC-1

, Debtor

MOTION FOR ORDER COMPELLING ABANDONMENT OF THE
ESTATE'S INTEREST IN DEBTOR'S BUSINESS

Richard Allaye Chan of the Allaye Chan Law Group, on behalf of the Debtor herein, hereby moves this Court for an Order Compelling Abandonment of the Estate's interest in the Debtor's Business. This Motion is based on the following facts:

1. This case was commenced with the filing of a petition on February 11, 2010. Susan Smith was duly appointed to serve as Trustee.
2. As shown in the filed schedules of this case, the Debtor operates a Building Contractor business. Said business is located at 1126 McKinley Ave, Woodland, Ca 95695. The Debtor's tools of the trade and other business-related assets, if any, have been disclosed in the filed Schedule B and there does not appear to be any business equipment or inventory that can be profitably liquidated by the Trustee over and above (a) the liens, if any, in Schedule D attaching to the business-related assets and (b) the exemptions, if any, in Schedule C claimed by the Debtor. The schedules, as filed with the Court, are incorporated herein by reference.

1 3. The Debtor is aware that, under the provisions of Title 11, US Codes §721, the Trustee
2 has the authority to operate the Debtor's business; and then, only with an order of the
3 Court. Otherwise, the Trustee is obliged to shut down the business or abandon the
4 estate's interest in the business.

5 4. However, the Debtor asserts that, based on the lack of any unexempt equity in any
6 business-related asset, equipment or inventory, there is no benefit to the estate to either
7 operating OR shutting down this business.

8 5. Federal Rule of Bankruptcy Proceeding 6007(b) permits a party in interest, including the
9 Debtor, to file a motion seeking to compel the Trustee to abandon property of the
10 estate.

11 Wherefore, the Debtor moves this Court to issue an Order Compelling the Trustee to
12 Abandon the Estate's Interest in the Debtor's Business.

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14 CERTIFICATION

15 I, Richard Allaye Chan, hereby certify under penalty of perjury that I have read the
16 foregoing Motion for Order Compelling Abandonment Of The Estate's Interest In Debtor's
17 Business. I further certify that the contents thereof are true and correct to the best of my
18 knowledge and belief. Executed on 4/15/2010 at Sacramento, California.

19 /s/ Richard Allaye Chan
20 Richard Allaye Chan
21 Allaye Chan Law Group
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